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REMARKS

Claims 1-3 and 7-21 are now pending in the application. Claims 1, 12, 13 and 18 are independent claims. Claims 1, 7, 12, 13 and 18 have been amended herein. Claims 4-6 have been canceled (and the limitations therein incorporated into amended Claim 1).

The disclosure was objected to since updated information as to the status of the parent cases cited in paragraph [0001] is required. This has been addressed in the foregoing amendment to the specification.

Claims 5-8 were objected to for various informalities. Specifically the Action notes that a "point" is non-dimensional and therefore does not have a "radius" to expand. Applicants have amended independent Claim 1 to include the substantive limitations of Claims 4-6, but have amended the language to address this objection. It is believed that the language addresses the Examiner's concerns – however, if the Examiner does not agree, Applicant's undersigned attorney requests that the Examiner contact her to further discuss the objection.

Claims 1-21 were rejected under 35 USC 101 "because the claims do not proceed to result in a 'useful, concrete and tangible result'". As kindly noted by the Examiner in the Action, the claims as filed did not "include that the generated or scanned pattern is applied to remedy a sensory deficit in a human patient, but rather limit to the abstract result of a modified or directed signal pattern". Applicant thanks the Examiner for his suggestion as to the claim requirements in light of Section 101, and has amended each of the independent claims herein to recite that the scanned pattern is applied to "remedy a sensory deficit in a human patient". Reconsideration and withdrawal of the Section 101 rejection are respectfully requested.

Claims 1-5 and 9-11 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of US Patent 6,889,085. The accompanying Terminal Disclaimer is believed to render the rejection overcome. Reconsideration and withdrawal of the nonstatutory obviousness type double patenting rejection are requested.

Claims 1-5 and 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,511,429 (Fatemi et al. '429), alone or in view of U.S. Patent 6,709,407 (Fatemi '407) and U.S. Patent 6,394,969 (Lenhardt). In light of the foregoing claim amendments and the discussion herein, each of these rejections is traversed and reconsideration is kindly requested. Applicant respectfully submits that each of independent Claims 1, 12, 13 and 18, as amended herein, is in condition for allowance.

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The indication of allowability of Claims 6-8 (if the claim objection and 101 deficiencies are corrected), the allowability of Claim 12 (if rewritten in independent form and the 101 deficiencies corrected) and also Claims 13-21 (if the 101 deficiencies are corrected) is gratefully acknowledged.

Specifically, independent Claim 1 has been amended to include the allowable limitations of Claim 6 (and also Claims 4 and 5 upon which Claim 6 depended). Claim 1 has also been amended to address the claim objection to Claim 6 and the Section 101 deficiencies.

Claim 12 has been amended so as to be rewritten in independent form and to address the Section 101 deficiencies.

Finally, with respect to Claims 13-21, each of independent Claims 13 and 18 has been amended to address the Section 101 deficiencies.

Accordingly, remaining Claims 1-3 and 7-21 are believed to be in condition for allowance.

Since the Applicant has fully responded to the rejection set out in the Office Action, it is respectfully submitted that in regard to the above remarks that the pending application is in condition for allowance and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

12/12/06  
Date

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